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PATRICK E. DUFFY, CLERK

By

DEPUTY CLERK, MISSOULA

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MONTANA HELENA DIVISION

DORY RITROVATO,)	CV 07-46-H-DWM-RKS
Plaintiff,)	
vs.	, }	ORDER
SUPREME COURT OF MONTANA and CITY OF HELENA, MONTANA,)))	
Defendants.)))	

United States Magistrate Judge Keith Strong entered Findings and Recommendations in this matter on April 14, 2008. The parties did not timely object and so have waived the right to de novo review of the record. 28 U.S.C. § 636(b)(1). This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." United States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000).

Plaintiffs brings this action against the City of Helena and the Montana Supreme Court alleging deprivation of rights and

seeking declaratory and injunctive relief in the form of an order requiring Helena City Court and the District Court of the First Judicial District of Montana to allow the Plaintiff to be represented by an individual who is not a licensed attorney. The Defendants have filed motions to dismiss the action. Judge Strong considered the motions and concluded that they should be granted because the claims are moot, the claims are precluded by the Montana Supreme Court's ruling affirming the lower court decisions, and because the claims fail on the merits. I can find no clear error with Judge Strong's Findings and Recommendations and therefore adopt them in full.

Accordingly, IT IS HEREBY ORDERED that the Defendants' motions to dismiss (Doc. Nos. 7 and 9) are GRANTED, and the Complaint is DISMISSED WITH PREJUDICE.

DATED this ____ day of May, 2008.

Donald W. Molloy, District Judge United States District Court